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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,236	02/19/2004	Maria Rene Ebling	YOR920040005US1	5240

7590 05/08/2008
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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05/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,236	Applicant(s) EBLING ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Responsive to Preliminary Amendment filed March 10, 2008. Claims 1-24 have been canceled. Claim 25-27 are new and are presented for examination.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on April 22, 2004 is being considered by the examiner.

Drawings

2. Figure 1 should be designated by a legend such as --**Prior Art**-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 25-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly added claim 25 includes limitations which appear to be new matter. The claim includes limitations directed to *a recollected location and time information* and *automatically reconciling errors between the recollected location and time information and the context data* which appear to lack proper support in the Applicant's disclosure. The Applicant has also not directed the Examiner to portions of the

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disclosure which support these new limitations. Dependent claims 26-27 are rejected for similar reasons based on their dependencies.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barhnart et al (US Patent No. 7,110,955).

8. As per claim 25, Barhnart et al teach an automated method of validating one or more medical-based expenses based on context data obtained during performance of one or more medical-based tasks, comprising a computer system performing the steps of:

automatically collecting context data at the computer system in the form of location and time information for at least one user, wherein the user is a physician, a nurse, or a medical administrator performing one or more medical-based tasks (**fig 3, column 5, line 56-column 6, line 6; patient data such as name, location, and date are loaded from hospital computer system into device**) and further wherein the location and time information accurately correspond to the performance of the one or more medical-based tasks by the physician (**column 2, lines**

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63-64), the nurse, or the medical administrator (location corresponds to patient location where doctor visit will occur, see column 6, lines 12-17, column 12, lines 60-64);

receiving a subsequent entry by the user at the computer system of a medical-based expense incurred while performing at least one of the one or more of medical-based tasks (**column 13, lines 26-28; billing code**); wherein the user entry comprises a recollected location and a time associated with the performance of the medical-based expense (**column 7, lines 25-42, figs 5D, 7A, 7C, 10A; physician can edit patient data such as location and include a data stamp**)

automatically reconciling any errors between the recollected location and time information entered by the physician, the nurse, or the medical administrator and the context data previously automatically collected in the form of accurate location and time information (**Fig 14, column 13, lines 36-65; after examining patient, data in server is synchronized with data in the device, including updating any changes in patient data**); and

wherein context data is capable of being automatically collected by the computer system from at least one of a calendar, a global positioning system, user entry, a video, a sensor associated with a person, a sensor not associated with a person, and a proximity to a wireless access point (**column 6, lines 43-55; user entry**);

further wherein the computer system maintains a mapping of physical location information collected as part of the context data in the form of specific coordinates to logical location information in the form of room numbers or room functions such that location information entered by the user is more easily reconciled by the computer system (**column 12, line 60-column 13, line 8, figs 3, 7C, 13; location information in the form of room information is maintained for each patient**).

Barhnart et al fail to teach *providing an indication of the reconciliation such that a resulting medical-based expense recorded in the computer system is accurate*. However, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to include this feature in Barhnart et al because doing so would provide a notification to the physician that billing information has been accurately and successfully synchronized with the data on the server in order to ensure that medical billing has been properly recorded.

9. As per claim 26, Barhnart et al teach the step of the computer system obtaining a specification of context associated with the one or more medical-based tasks wherein the specification of context is capable of being at least

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one of a location, a time at location, a proximity to a location, a proximity to a person, a proximity to a device, a proximity to a person satisfying a condition, a proximity to a location during a specified time interval, an application invocation, a duration of an application invocation, a duration of an application focus on a particular subject, an application invocation during a specified time interval, a user input, a duration of a user input session, a proximity to multiple persons and a location, a calendar, a work assignment, and a workflow stage (**figs 7A, 7C; billing code, date and location**).

10. As per claim 27, Barhnart et al wherein context data is capable of being automatically collected through at least one of a computer program, a file transfer, a batch mode, a communications network, a communications-enabled device, and a polling mechanism (**column 5, lines 58-62; file transfer**).

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
March 24, 2008.
/Ramsey Refai/
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